REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

Claims 1-13 are pending in the present application. Claims 1-11 are currently under consideration, claims 12 and 13 having been withdrawn as a result of the Examiner's restriction requirement.

At the outset, Applicant notes with appreciation the indication that claims 6, 7, 9 and 10 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Applicant also notes with appreciation the indication that claim 8 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all of the features of the base claim and any intervening claims (Official Action at page 6).

By the above amendments, claim 1 has been amended for readability purposes by replacing the word "a" prior to "ultraviolet absorbing agent", with "an". Claims 8, 9 and 11 have been amended to correct a typographical error by replacing the word "add" with "odd". Support for such amendments can be found in the specification at least at pages 53, 59 and 68.

In the Official Action, the Patent Office has required affirmation of the provisional election to prosecute Group I, claims 1-11. Applicant hereby affirms the election, without traverse, of Group I, claims 1-11 for prosecution in the present application. Applicant reserves the right to file a divisional application directed to the subject matter of non-elected claims 12 and 13.

Claims 8 and 11 stand rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth at pages 3 and 4 of the Official Action. Withdrawal of this rejection is respectfully requested for at least the following reasons.

As discussed above, claims 8 and 11 have been amended to correct a typographical error by replacing the word "add" with "odd".

With regard to the meaning of formula (1) in the instance when a is zero, it is noted that the N and C atoms bonded to Z^1, are doubled bonded together. In the instance when b is zero in formula (1), the C and N atoms bonded to Z^2 are single bonded together. This is apparent from the claim language taken in light of the specification, for example, at page 54 which sets forth an exemplary compound in which both a and b are zero. It is further noted that regarding the meaning of formula (1) in the case when c is zero, the formula (1) compound can, for example, form an intramolecular salt with an anionic substituent group, as discussed at pages 53 and 54 of the specification.

In light of the above, it is apparent that claims 8 and 11 fully comply with the provisions set forth in the second paragraph of 35 U.S.C. §112. Accordingly, withdrawal of the above rejection is respectfully requested.

Claims 1-5 and 11 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,515,811 (*Ikuhara et al*) in view of U.S. Patent No. 5,498,345 (*Jöllenbeck et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Without addressing the propriety of the Examiner's comments concerning the subject matter disclosed by *Ikuhara et al* and *Jöllenbeck et al*, it is noted that the foreign priority claim to Japanese Application No. 2000-316966 (JP '966) filed October 17, 2000, has been perfected by submission of the attached verified English translation of JP '966. In this regard, Applicant submits that JP '966 contains support for each claim currently pending in

the present application. In light of the perfected priority claim, it is apparent that *Ikuhara et al* does not qualify as §102(e) prior art because the October 17, 2000 filing date of the priority application predates the January 16, 2001 §102(e) date of *Ikuhara et al.*

Applicant notes that the "Foreign Application Priority Data" section of *Ikuhara et al* lists Japanese Application Nos. 2000-010038 (JP '038) and 2000-040694 (JP '694).[1] It is apparent that the JP '038 and JP '694 publications do not constitute §102(a) prior art against the present application because the filing date of JP '966 to which the present application claims the benefit of priority, predates the publication dates of the JP '038 and JP '694 publications.

In light of the perfection of the foreign priority claim, it is apparent that *Ikuhara et al* does not qualify as §102(e) prior art. The outstanding §103(a) rejection is untenable in light of the removal of *Ikuhara et al* from qualifying as §102(e) prior art, and as such, withdrawal of such rejection is respectfully requested.

Claims 1-5 have been rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-3 and 5 of U.S. Patent No. 6,586,057. Without addressing the propriety of this rejection, and in order to expedite prosecution of the present application, submitted herewith is a Terminal Disclaimer with respect to the '057 patent. The filing of such Terminal Disclaimer is effective to overcome the present obviousness-type double patenting rejection. Accordingly, for at least this reason, withdrawal of such rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any

[1] JP '038 and JP '694 were published on July 19, 2001 and August 24, 2001, respectively.

questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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